

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*  
State Engineer

Plaintiff,

69cv07941-BB

vs.

RIO CHAMA STREAM SYSTEM  
Section 5: Rio Gallina

ROMAN ARAGON, *et al.*,

Defendants.

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**STIPULATION AND SETTLEMENT AGREEMENT  
ON IRRIGATION WATER REQUIREMENTS IN SECTION 5**

This Stipulation and Settlement Agreement (“Agreement”) is entered into by the State of New Mexico, *ex rel.* State Engineer (“State”), the Gallina–Capulin Acequia Association, and 8 community acequias for the purpose of settling disputed issues arising out the determination of irrigation water requirements in Section 5 (Rio Gallina) of the Rio Chama Stream System.

**Agreement**

NOW THEREFORE, in consideration of the mutual and dependent covenants and conditions contained herein, the Parties agree to the following:

1. **General Definitions.** The following definitions apply to the terms used in this Agreement:
  - a. “Rio Gallina Section” means Section 5 of the Rio Chama Stream System.
  - b. “Acequias” means the Gallina–Capulin Acequia Association and the following community ditches in Section 5 of the Rio Chama Stream System, but does not mean

individual acequia members or parciantes:

Vigiles Ditch  
Rincon Ditch  
Placitas Ditch  
Sanchez – Maestas Ditch  
Cordova – Martinez Ditch  
Gonzales – Gurule Ditch  
Cecilia Ditch  
Valdez Ditch

c. “Parties” means the State of New Mexico and Acequias.

d. The term “Consumptive Irrigation Requirement” (“CIR”) refers to the quantity of water, expressed in acre-feet per acre per year, exclusive of effective precipitation, that is consumptively used by plants or is evaporated from the soil surface during one calendar year. The CIR may be calculated numerically by subtracting effective precipitation from consumptive use. The CIR is the measure of the depletion or beneficial consumptive use right. The CIR cited in the Stipulation and Settlement Agreement was derived by use of the Soil Conservation Service (SCS) Modified Blaney–Criddle Method pursuant to the Stipulation On Methodology Used to Determine Consumptive Use of Crops in Sections 3, 5 and 7 of the Rio Chama Stream System filed June 16, 2005 (Docket No. 7916). In determining the weighted CIR for a particular area, the cropping pattern is used to “weight” consumptive use, and the sum of the weighted CIRs for the cropping pattern is the total weighted CIR for the area.

e. The term “Farm Delivery Requirement” (“FDR”) refers to the quantity of water expressed in acre-feet per acre per year, exclusive of effective precipitation, delivered to the farm headgate or which is diverted from a source of water which originates on the farm itself, such as a well or spring, necessary to satisfy the consumptive irrigation requirements of crops

grown on a farm in one calendar year. The FDR is computed by dividing the consumptive irrigation requirement, expressed as a depth or volume, by the on-farm irrigation efficiency expressed as a decimal.

f. When the source of irrigation water does not originate on the farm, the “Project Diversion Requirement” (“PDR”) or off-farm diversion requirement is defined as the quantity of water, exclusive of effective precipitation, which is diverted from the stream or an off-farm source to satisfy the farm delivery requirement for one calendar year. An additional quantity of water must be diverted from the ultimate source of supply to make up for conveyance losses between the farm headgate and the source of water. Estimated off-farm conveyance losses are added to the farm delivery requirement to arrive at the project diversion requirement. The off-farm diversion requirement is computed by dividing the farm delivery requirement, expressed as a depth or volume, by the off-farm conveyance efficiency, expressed as a decimal.

2. Geographic Scope of Agreement: The agreements and stipulations contained herein apply only to irrigation water rights exercised with the geographic boundaries of Section 5 of the Rio Chama Stream System as described in the Rio Gallina Amended Hydrographic Survey (January 14, 2000).

3. No Precedent: With regard to the underlying analysis of the irrigation water requirements in the Rio Gallina Section, including the use of SCS modified Blaney–Criddle methodology, seasonal definitions, weather station data, cropping patterns and treatment of fallow acreage, this settlement establishes no precedent for use in other areas, agreements or stipulations, whether or not these areas, agreements or stipulations involve similar or dissimilar issues or geographic conditions.

4. Irrigation Water Requirements: The irrigation water requirements in Section 5 of

the Rio Chama Stream System are as follows:

- a. The weighted consumptive irrigation requirement (CIR) is 1.38 acre-feet per acre per annum.
- b. The farm delivery requirement (FDR) is 3.46 acre-feet per acre per annum.
- c. The project diversion requirement (PDR) is 5.77 acre-feet per acre per annum.

5. Stockponds: The irrigation water requirements set forth in this Agreement do not include diversion requirements associated with stockponds or other impoundments determined to have valid water rights in these proceedings (*State of New Mexico, ex rel. State Engineer v. Aragon et al.*, Civ. No. 69cv07941).

DATED: July 3, 2007

**State of New Mexico ex rel. State Engineer**

Ed Newville

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**Commissioners of Vigiles Ditch**

11 CV 2  
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**Commissioners of Rincon Ditch**

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Cosme S. Chacon Cosme S. Chacon

**Commissioners of Placitas Ditch**

Andrew K. Chacon ~~Andrew K. Chacon~~

Andrew K. Chacon

Jose L. CHACON Jose L. Chacon

Herman Jacquez Foreman

Hernando Jacquez Reina Maestas  
Reina Maestas

Commissioners of Sanchez/Maestas Ditch

JEFF L VIGIL

Abram Cordova Abram Cordova

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Commissioners of Cordova/Martinez Ditch

Roger Corrales

Antonio Serrano

Juan Chávez

Handwritten signatures of the three commissioners. The signature for Roger Corrales is at the top, Antonio Serrano's is in the middle, and Juan Chávez's is at the bottom. Each signature is written in black ink and is cursive.

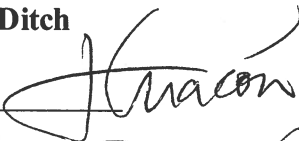
**Commissioners of Gonzales-Gurule Ditch**

Cosme S. Hagon Cosme S. Hagon  
MarkwValdez MarkwValdez  
Roy JACQUEZ Roy JACQUEZ

**Commissioners of Cecilia Ditch**

<u>Pete Maestas</u> -	PETE MAESTAS - Mayordomo
<u>Alfonso Suazo</u> -	ALFONSO SUAZO - Commissioner
<u>Meguel Dennis Suazo</u> -	DENNIS SUAZO - Commissioner
<u>Victoria Suazo</u> - Charge	Secretary/Treasurer - Commissioner

**Commissioners of Valdez Ditch**

FRANK CHACON 

Sammy J. Corbre 

Alfonso Cordova 